UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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ROSALIND BELLIN, on behalf of herself and all others similarly situated,

Plaintiff,

-against-

19 **CIVIL** 5694 (AKH)

JUDGMENT

HOWARD A. ZUCKER, M.D., J.D., in his official capacity as Commissioner, New State Department of Health, and ELDERSERVE HEALTH, INC. d.b.a. RIVERSPRING AT HOME.,

Defendants.

It is hereby **ORDERED**, **ADJUDGED AND DECREED**: That for the reasons stated in the Court's Opinion and Order dated April 30, 2020, Defendants' motions to dismiss are denied insofar as they assert lack of subject matter jurisdiction; Plaintiff has standing to sue under the inherently transitory exception to the mootness doctrine; Plaintiff does not have a statutory right to the type if appeal she seeks and does not have a constitutional protected property interest in greater personal care services; this, the complaint is dismissed in full, and judgment is entered for Defendants, and the case is closed.

Dated: New York, New York

April 30, 2020

RUBY J. KRAJICK

Clerk of Cour

BY:

Deploy Clerk